



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/766,314	01/28/2004	Stu Blackburn	1033-NW1001

34456

TOLER & LARSON & ABEL L.L.P.  
5000 PLAZA ON THE LAKE STE 265  
AUSTIN, TX 78746

CONFIRMATION NO. 1206

## FORMALITIES LETTER

\*OC000000012979174\*

Date Mailed: 06/17/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

## Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

## SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$986 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

08/12/2004 AHONDAF1 00000016 502469 10766314  
01 FC:1001 770.00 DA  
02 FC:1051 130.00 DA  
03 FC:1201 86.00 DA

- Total additional claim fee(s) for this application is \$86

- \$86 for 1 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**FACSIMILE COVER SHEET****DATE:** August 10, 2004**TO:** M/S MISSING PARTS  
USPTO**FAX NO.:** 703-746-4060**FROM:** Jeffrey G. Toler  
Reg. No. 38,342**RE:** *RESPONSE TO NOTICE TO FILE MISSING PARTS***U.S. APP NO.:** 10/766,314**FILING DATE.:** 1/28/2004**APPLICANT(S):** Stu Blackburn**ATTY DKT NO.:** 1033-NW1001**TITLE:** DIGITAL SUBSCRIBER LINE USER CAPACITY  
ESTIMATION**NO. OF PAGES (INCL. COVER SHEET):** 9**MESSAGE:**

Attached please find:

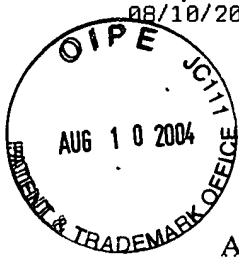
- ☒ Response to Notice to File Missing Parts Transmittal Form (1 pgs.)
- ☒ Fee Transmittal Form (1 pg.)
- ☒ Combined Declaration and Power of Attorney, executed (4 pgs.)
- ☒ Copy of the Notice to File Missing Parts of Application (2 pgs.)

**CONFIDENTIALITY NOTE**

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Fax: (512) 327-5452  
www.tla-law.com



## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): **Stu Blackburn**Title: **DIGITAL SUBSCRIBER LINE USER CAPACITY ESTIMATION**App. No.: **10/766,314**Filed: **1/28/2004**Examiner: **(Not yet assigned)**Group Art Unit: **2661**Atty. Dkt. No.: **1033-NW1001**

MS MISSING PARTS  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

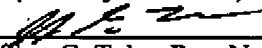
## RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Dear Sir:

In response to the Notice to File Missing Parts of Application mailed 6/17/2004, please find enclosed herewith:

- ☒ a Transmittal Form (this page);
- ☒ a copy of the Notice to File Missing Parts of Application;
- ☒ a Fee Transmittal Form;
- ☒ a combined Declaration and Power of Attorney, executed.

Respectfully submitted,

  
Jeffrey G. Toler, Reg. No. 38,342  
Attorney for Applicant(s)  
TOLER, LARSON & ABEL, L.L.P.  
P.O. Box 29567  
Austin, Texas 78755-9567  
(512) 327-5515 (phone)  
(512) 327-5452 (fax)

8-10-2004  
Date

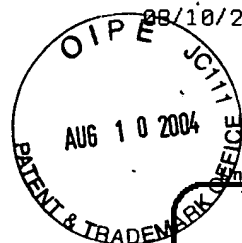
## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on August 10, 2004.

Grace Adams

Typed or Printed Name

Signature



08/10/2004 16:28

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TOLER LARSON &amp; ABEL

PAGE 03/09

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 986.00)

**Complete if Known**

Application Number	10/766,314
Filing Date	January 28, 2004
First Named Inventor	Stu Blackburn
Examiner Name	(Not yet assigned)
Art Unit	2661
Attorney Docket No.	1033-NW1001

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-2469

TOLER LARSON &amp; ABEL LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 770.00)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
16		-20** = 0		x 18		= 0	
Independent Claims		4		-3** = 1		x 86	
Multiple Dependent						= 86	
						0 = 0	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue Independent claims over original patent
1205	18	2205	9	*** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 86.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity - Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	130
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	280	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

**SUBMITTED BY**

Name (Print/Type) Jeffrey G. Toler

Registration No.  
(Attorney/Agent)

38,342

(Complete if applicable)

Telephone 512-327-5515

Signature

Date

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.